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Tuesday, January 17, 2017 • Number 10

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LEADING THE NEWS

Water Pollution

Supreme Court to Decide Water Rule Challenge Venue

The U.S. Supreme Court agreed to decide whether challenges to the Environmental Protection Agency clean water rule, which seeks to clarify Clean Water Act jurisdiction, properly lie in federal district courts or a specific federal appeals...

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NEWS

Agriculture

Two New Agriculture Subcommittee Chairmen Named

House Agriculture Committee Chairman Mike Conaway (R-Texas) tapped two lawmakers for new subcommittee posts....

Agriculture

Vilsack Exits USDA Early; Trump's Secretary Pick 'Soon'

Agriculture Secretary Tom Vilsack said he is leaving his post effective Jan. 13, departing a week ahead of the rest of the Obama administration....

Air Pollution

Coal Curbs in Asia Could Save 50,000 Lives Annually, Study Says

About 50,000 lives a year could be saved by 2030 if no new coal-fired power plants are built in Southeast Asia, South Korea,

Japan and Taiwan, according to a study from researchers at Harvard University and Greenpeace International....

Air Pollution

Fiat Chrysler Said to Face U.S. Criminal Emissions Probe
Fiat Chrysler Automobiles NV is under investigation by the U.S. Justice Department over its alleged failure to disclose software that violated emissions standards, according to people familiar with the matter, another legal hurdle for...

Air Pollution

Obama EPA Locks Trump Team Into Air Standards Decisions

The Trump administration will need to make a decision by this summer on whether to retain or revise an air quality standard for nitrogen oxides after the Obama Environmental Protection Agency agreed to a court deadline for reviewing its regulations....

Chemicals

EPA Proposes Strategy to Identify, Review Commercial Chemicals

The Environmental Protection Agency released three proposed rules that would establish its first-ever, comprehensive regulatory strategy to evaluate—and regulate, if needed—chemicals in commerce. ...

Chemicals

Process to Select Chemicals for Risk Review Proposed: EPA

The Environmental Protection Agency released a proposed rule Jan. 13 describing a risk-based process it would use to identify chemicals in commerce that are high priorities for risk evaluation and low priority chemicals that don't...

Chemicals

Veterans Affairs to Pay \$2.2B for Camp Lejeune Illnesses

The Department of Veterans Affairs expects to pay out \$2.2 billion in health benefits for newly recognized illnesses suffered by veterans exposed to contaminated water at Camp Lejeune decades ago....

Climate Change

No Clear Strategy for Challenging EPA Vehicle Standards

The automotive industry's options may be limited if it plans to challenge the Environmental Protection Agency's affirmation of its greenhouse gas emissions standards for cars and trucks, according to advocates and industry...

Climate Policy

California Considers Guaranteeing Carbon Prices in Trump Era

California is considering a system to protect projects that cut global-warming emissions from a market downturn that may worsen under a Trump administration....

Climate Regulation

Reconsideration of Power Plant Carbon Rule Denied by EPA

The Environmental Protection Agency will not entertain revisions to its carbon dioxide limits for power plants, which are already under review by a federal appellate court....

Coal Mining

Peabody Plan Blasted as 'Value Grab,' Environmental Hazard

Peabody Energy Corp. faces mounting opposition to its bankruptcy exit plan, including claims that it grants a sweetheart deal to the creditors who negotiated the financing and doesn't comply with environmental regulations....

Courts

Points for Participation: Class Members Increasingly Active

Volkswagen diesel owners call class counsel on their cellphones. They barrage the court with e-mails. They engage in Twitter discussions....

Energy

House Republicans Prioritize Biofuel Overhaul

House Republicans are moving towards an overhaul of the renewable fuel standard (RFS) after recently appointing a critic of that program to lead the Energy and Commerce Committee.

...

Energy

New Yukon Premier Acts on Fracking, Greenhouse Gases

Establishing greenhouse gas reduction targets and reducing reliance on non-renewable energy sources will be part of the Yukon minister of environment's responsibilities under new Premier Sandy Silver....

Energy

U.S. Energy Jobs Grew by 5 Percent in 2016, Government Says

U.S. energy and energy-efficiency jobs grew by more than 300,000 last year, up 5 percent, the Energy Department said Jan 13. ...

Enforcement

Pepco to Pay \$1.6 Million in Stormwater Discharge Settlement

Potomac Electric Power Co. will pay \$1.6 million in penalties and take steps to reduce metal pollutants in one facility's stormwater discharge as part of a proposed consent decree reached with federal agencies (United States v. Potomac...

EPA

Ethics Watchdog Asked to Investigate Possible Pruitt Conflicts

Democratic senators are urging a federal ethics watchdog to investigate potentially unreported conflicts of interest between

the Republican Attorneys General Association (RAGA), along with other advocacy groups, and President-elect...

EPA

Fearing Trump Data Purge, Environmentalists Push to Get Records

U.S. government scientists frantically copying climate data they fear will disappear under the Trump administration may get extra time to safeguard the information, courtesy of a novel legal bid by the Sierra Club....

EPA

Obama EPA Racing Through Finish Line With Civil Rights Plan

States and other federal-funding recipients will receive additional tools and reviews by the Environmental Protection Agency as part of its efforts to beef up anti-environmental racism protections, according to a recently released final...

Fuel Efficiency

EPA Defies Automakers by Keeping Efficiency Standards Intact

The Environmental Protection Agency announced it's keeping vehicle efficiency standards intact through the 2025 model year, shoring up a key piece of President Barack Obama's environmental legacy against a challenge by the...

Fuel Efficiency

Marchionne Faces Cheating Charge From Weaker Position Than VW

The emissions-violations accusations lodged against Fiat Chrysler Automobiles NV Jan. 12 may look like those that have cost Volkswagen AG more than \$20 billion—the kind of money the smaller carmaker doesn't have....

Hydraulic Fracturing

Canada Court Protects Regulator Against Fracking Claims

An Alberta landowner cannot pursue constitutional damages against a provincial regulator for refusing to hear claims about property damage caused by hydraulic fracturing, Canada's top court ruled in a close split decision....

Oil & Gas

Will Putin and Trump Bond Over Oil?

In the early 2000s, the Russian and U.S. presidents, Vladimir Putin and George W. Bush, decided it was time their two countries had a closer relationship. The obvious place to start was the oil industry. The U.S. was importing almost twice as...

Pesticides

Advocates Prepare for Battle as Weedkiller Use Expands

Environmental advocacy groups are gearing up to protest a decision from the Environmental Protection Agency to approve expanding a herbicide's use on cotton and in new states to kill stubborn weeds....

Pesticides

House Oversight Chair Questions 'Public Scrutiny' Over Glyphosate

The House Oversight and Government Reform Committee is taking steps to revive the debate on an international agency's finding that the popular herbicide glyphosate may cause cancer....

Pipeline Safety

Pipeline Agency Expands Inspection, Reporting Requirements

The Pipeline and Hazardous Materials Safety Administration released newly expanded reporting, inspection and assessment requirements for hazardous liquid pipelines in the final version of a wide-ranging rule Jan. 13....

Regulatory Policy

Trump Stirs Homebuilders' Dreams of Bulldozing Environment Rules

As Don Huffines sees it, Donald Trump's election instantly made his Dallas-area pastureland much more valuable. That's because the residential developer expects the president-elect to follow through on a pledge to cut through...

Renewable Energy

China Targets More Than 50 Megawatts of Marine Energy by 2020

China is planning to increase the amount of power it generates from marine sources about sevenfold to more than 50 megawatts by 2020 as it seeks to develop alternative forms of renewable energy....

Renewable Energy

Chinese, Germans Seek to Turn Chernobyl Wasteland to Solar Park

Chinese and Germans are among dozens of investors taking Ukraine up on its offer to turn the grounds of one of the world's worst nuclear disasters into a massive solar park....

Renewable Energy

Japan Orders More Study of Fukushima-Area Wind Power

Mixed messages from Japan's government could limit wind power expansion in the country, an official with the Japan Wind Power Association said. His comments followed the decision to delay approval of a pair of wind farms proposed near...

Renewable Energy

Trump Tax Overhaul Would Threaten Wind-Finance Deals, Spur M&A

Wind-power skeptic Donald Trump's proposed tax overhaul may have an unintended consequence: threatening wind farms' balance sheets....

Risk Assessment

EPA Rule Proposes Process to Evaluate Chemical Risks in Commerce

The Environmental Protection Agency released a proposed rule Jan. 13 that describes the process it will use to evaluate the risks of chemicals in commerce in accordance with the 2016 Toxic Substances Control Act overhaul....

Superfund

Waste Site Owner, Contractor on Hook for Hazardous Waste Cleanup

An evidentiary hearing isn't needed for a court to find a party violated a state Superfund agreement, a Minnesota appeals court ruled Jan. 9 (State v. Anderson , 2017 BL 4816, Minn. Ct. App., No. A16-0204, 1/9/17). ...

Water Pollution

Sierra Club Sues Georgia Agency Over Stricter Wastewater Permits

Georgia Power's coal-fired plants are operating under allegedly outdated wastewater permits that don't require them to meet the latest Environmental Protection Agency pollution limits, the Sierra Club said in a lawsuit against...

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LEADING THE NEWS

Natural Resources

Border Wall May Affect Wildlife but Likely Unstoppable in Court

The Trump administration's plan to build a wall along the 2,000-mile U.S. border with Mexico may have harmful effects on wildlife and habitat but appears to have legal clearance, environmental advocates told Bloomberg BNA....

NEWS

Chemicals

Court Set to Dismiss Monsanto Suit to Block Prop. 65 Listing of Glyphosate

A California court is set to dismiss Monsanto Co.'s lawsuit to block the state from listing glyphosate, the main ingredient in Roundup, as a carcinogen under Proposition 65 Monsanto Co. v. OEHHA, Cal. Super. Ct., No. 16CECG00183, 1/26/17....

Chemical Security

Pruitt Avoids Specifics on Chemical Security Issues as CRA Action Urged

EPA Administrator nominee Scott Pruitt avoided specific answers to questions about tougher regulatory policies for high-risk chemical facilities, according to documents released by the Senate Environment and Public Works Committee's...

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Climate Change

Climate Change a 'Non-Problem,' Trump EPA Appointee Says

A Trump administration appointee to the EPA called climate change a "non-problem" and got into a testy exchange with the audience at a conservative think tank's Jan. 26 panel discussion....

Climate Change

NYC Carbon Plan Companies Don't Include Trump's

Nearly two dozen New York City big commercial real estate owners and tenants have enlisted in a program to cut the greenhouse gas emissions of buildings that its boosters hope other cities can emulate....

Climate Change

Trump Climate Pivot Takes Shape in Overhaul of Federal Websites

The White House website no longer has a section on climate change. An EPA page that answered "common questions" about global warming is gone. And reports on greenhouse gas emissions have vanished from the State Department's...

Climate Change

Trump Wants to Downplay Global Warming. Louisiana Won't Let Him.

On a recent morning in Baton Rouge, a thousand miles from where Senate Democrats were jousting with President Donald Trump's nominee to run the Environmental Protection Agency about whether humans are warming the planet, the future...

Climate Policy

Tesla's Musk Said to Float Carbon Tax Idea to Trump, CEOs

Tesla Motors Inc. founder Elon Musk is pressing the Trump administration to adopt a tax on carbon emissions, raising the issue directly with President Donald Trump and U.S. business leaders at a White House meeting Jan. 23 regarding manufacturing....

Coal Mining

House Vote to Scrub Stream Protection Rule Set for Feb. 1

The Republican-led effort to scrub away an Obama-era coal mining rule will begin Feb. 1, when the House will vote to nix the standard....

Congress

Senate Environment Committee to Hold Infrastructure Hearing Feb. 8

Boosting infrastructure spending is a well-known priority for the Trump administration and for members of Congress from both parties. The Senate committee that plays a key role in authorizing most infrastructure projects will enter the...

Emissions Trading

Stricter Curbs Likely in EU Carbon Reform, Climate Official Says

The European Union may agree to strengthen its flagship climate program by further curbing a glut of emission permits that weighs on pollution prices, according to Jos Delbeke, the EU's top climate official....

Energy

AltaGas Joins Canada Buying Spree in U.S. With \$4.6 Billion Deal

Add AltaGas Ltd. to the list of Canadian companies that can't seem to get enough of America's energy assets....

Energy

Battle Building Around Portland, Ore., Oil Terminal Ban

Conservation groups intervened Jan. 25 in support of a Portland, Ore., ordinance prohibiting new bulk fossil fuel terminals over 2 million gallons and the expansion of existing ones after a coalition of oil companies, labor unions and business...

Energy

Bay Resigns From FERC After Trump Taps LaFleur as Chairman

Norman Bay, the former chairman of the Federal Energy Regulatory Commission, resigned from the agency after President Donald Trump selected Commissioner Cheryl LaFleur to be the new acting chairman....

Energy

Kristine Svinicki to Chair Nuclear Regulatory Commission

Kristine Svinicki has been appointed by President Donald Trump to chair the Nuclear Regulatory Commission, effective immediately. ...

EPA

EPA Water Official to Return to Private Law Practice

The nation's top water official will leave public service and join the environment, law and resources practice at Latham & Watkins LLP as a partner. ...

Insurance

South Korea Casts Safety Net for Fishermen Tackling High Temps

South Korea has revamped its state-backed aquaculture insurance system to increase relief for fish and sea life farmers who are hard hit by sudden temperature changes....

International Climate

Trump Readies, Then Delays Orders Targeting Climate Fund, Treaties

The Trump administration is readying executive orders—which could be signed in the next day or so—to limit or even end U.S. support for United Nations climate funding and perhaps lay the groundwork for eventual retreat from international...

Motor Vehicles

Musk's Surprising Rapport With Trump Yields 40% Rally for Tesla

It's a good time to be Elon Musk....

Motor Vehicles

Trump Revives Auto Efficiency Debate with Pledge to Slash Rules

President Donald Trump's pledge to ease environmental regulations hands automakers a second chance to amend the U.S. vehicle efficiency standards that the Obama administration sought to finalize in its final days....

Oil & Gas

Dakota Access Pipeline Developer Goes Silent After Trump Move

Energy Transfer Partners LP got a boost on Jan. 24 when President Donald Trump threw his weight behind its controversial Dakota Access oil pipeline....

Oil & Gas

Keystone and Dakota Access Face Hurdles Despite Trump's Blessing

President Donald Trump may have revived prospects for the controversial Keystone XL and Dakota Access pipelines, but the path to their completion still faces hurdles....

Renewable Energy

China Adds Wind Power as Grid Struggles to Absorb Electricity

China saw the amount of idled wind power increase 47 percent in 2016 as the installation of new turbines surpassed the ability of grids to absorb the electricity....

Sustainability

State Street Asks Boards to Disclose More on Climate Preparation

Climate change is no longer listed as a top issue on the White House website, but it's very much at the forefront for \$2.47 trillion asset manager State Street Corp....

Toxic Substances

Legality of Electronic Products Addressed by EU Proposal

The European Commission Jan. 26 proposed to amend the European Union's Restriction of Hazardous Substances Directive to remove provisions that could result in certain electrical and electronic products, and product spare parts,...

Water Pollution

Environment America Won't Back Government in Water Rule Venue Case

The nonprofit Environment America won't back the federal government's position in the U.S. Supreme Court to have Clean Water Rule challenges heard in a federal appeals court....

Some Executive Orders More Powerful Than Others

President Donald Trump has, like all modern presidents, issued a flurry of executive orders in his first days in office, some of which can be surprisingly effective even without congressional involvement, a governance scholar told Bloomberg...

BNA INSIGHTS

Practitioner Insights: Decommissioning Offshore Oil Platforms

The federal outer continental shelf (OCS) has generated a large amount of America's oil and gas production, but each platform eventually reaches the end of its useful life. OCS leases require that the improvements be decommissioned...

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LEADING THE NEWS

Pesticides

Could Revoking a Controversial Pesticide Trigger a Trade War?

The debate over the EPA's upcoming decision on a controversial crop pesticide has gone global, and some of the U.S.'s top trading partners are raising strong concerns. ...

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NEWS

Air Pollution

PODCAST: Air Pollution's Not Just for Cities Anymore

Think air pollution only happens in big cities on hot summer days? Think again....

Biofuels

Buffett, Icahn Interests Square Off in Fight Over Biofuels Law

U.S. railroads, including Warren Buffett's BNSF, are joining a corporate brawl over ethanol mandates that pits American corn farmers and fuel distributors against independent oil refiners like billionaire Carl Icahn....

Climate Change

South Korea Injects \$67 Million Into Climate Change Technologies

South Korea will spend 77 billion won (\$67.3 million) this year developing technology to combat climate change, the government announced Feb. 7....

Climate Policy

Prominent Republicans Push Carbon Tax in White House Meeting

A group of prominent Republicans and business leaders, including former Treasury Secretaries Hank Paulson and James Baker, met with some of President Donald Trump's top advisers at the White House Feb. 8 to push a plan to tax carbon dioxide...

Drinking Water

Flint Residents' Failure to Raise Water Issue Before Suing Kills Case

A group of Flint, Mich., residents will not have their day in court, at least not this time around, after a federal judge dismissed their lawsuit over the ongoing water-contamination crisis in Flint....

Emissions Trading

China Closer to Carbon Quota Rules for National Trading System

China is moving closer to introducing rules to help allocate emission quotas for a national trading scheme the world's biggest carbon emitter aims to start later this year, according to a policy adviser....

Energy

Heritage Foundation Sway on Budget Criticized by GOP Lawmaker

Rep. Kevin Cramer (R-N.D.) said that the Heritage Foundation's influence on President Donald Trump's budget planning is "somewhat concerning" because he thinks it is too conservative to get through Congress....

Energy

Trump's Team Said to Urge Freeze to Program That Aided Solyndra

President Donald Trump's advisers have recommended the Energy Department freeze and consider ending a loan program that famously backed the failed solar panel maker Solyndra LLC, according to two people familiar with the plan....

Enforcement

SoCalGas to Pay Air District \$8.5 Million for Aliso Canyon Leak

Southern California Gas Co. will pay \$8.5 million to resolve a lawsuit regional air quality officials filed over the 2015 methane leak at the utility's Aliso Canyon natural-gas storage field near Los Angeles People v. S. Cal. Gas Co....

EPA

Pruitt Confirmation May Precede Court Hearing on E-Mails

A newly-scheduled court review of Scott Pruitt's correspondence with fossil fuel companies may come after he is confirmed as the next EPA administrator. ...

Infrastructure

Private Infrastructure Financing Called a No-Go for Rural Areas

Public-private partnerships for infrastructure envisioned by the Trump administration wouldn't work well in rural areas, which instead need federal grants, a Senate committee was told....

Natural Gas

The U.K. Has a New American LNG Supplier and It's Not the U.S.

Almost a year after the first liquefied natural gas cargo left the Gulf of Mexico, the U.K. is still waiting to claim a slice of American supply. By the end of the month it will, but it won't be made in the U.S....

Pesticides

EU Citizens' Campaign Has Glyphosate In Its Sights

A coalition of environmental groups Feb. 8 sought to put pressure on European Union decision-makers over the pesticide glyphosate by starting a campaign to collect 1 million signatures objecting to the continued authorization of the substance...

Pesticides

GOP Relaunches Effort to Ease Pesticide Requirements

House lawmakers are confident they will succeed in this Congress in overturning an eight-year-old court decision that restricts pesticide use over bodies of water after previous attempts floundered in the Senate. ...

Pesticides

Hawaii Lawmakers Taking Steps to Regulate Pesticides

Hawaii lawmakers are taking steps to regulate pesticides in the wake of an independent scientific study group's report last year urging that greater attention be paid to the issue....

Regulatory Policy

How Will One-In, Two-Out Regulatory Order Actually Work?

Federal agencies may not only be able to implement an executive order requiring them to offset the costs of new regulations, but it might not be as bad as everyone thinks, a former British government official told Bloomberg BNA....

Regulatory Policy

Public Interest Groups Sue to Overturn Trump Regulatory Order

A lawsuit filed by public interest, environmental and labor groups seeks to overturn President Donald Trump's Jan. 30 executive order that requires federal agencies to identify at least two regulations to repeal for every new regulation...

Superfund

Toxic Plume in Michigan Aquifer May Finally Get Cleaned Up

A toxic plume that has lingered for decades in the groundwater beneath Ann Arbor, Mich., and its surroundings may finally get the comprehensive cleanup residents say it needs after local officials persuaded federal regulators to step in....

Vehicle Fuels

Firms Punished for China Electric Car Subsidies Fraud

China is punishing seven companies accused of fraud relating to sales of electric vehicles and government subsidies given out for those sales....

Water Pollution

Trump Freeze on Rules Lifted for Builders' Wetlands Permits

Homebuilders and others who want to build in sensitive wetlands will be able to use new streamlined permits authorizing such activities before the Trump administration's 60-day regulatory freeze ends....

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Pesticides

Congress' EPA Budget Wrangling Could Hit Pesticide Program

Congress is expected to breeze through the reauthorization of a key law on registering pesticides for use this year....

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NEWS

Air Pollution

Beijing 'Environmental Police' to Target Heavy Air Polluters

As the latest wave of smog enveloped the Chinese capital, Beijing announced the formation of a new police unit to crack down on polluters....

Air Pollution

Beijing Imposes Weekday Ban on Older Cars

Beijing announced a weekday ban on older, heavily polluting passenger cars from driving within about a 10-mile radius of the city center....

Air Pollution

VW Judge Clears U.S. Drivers' \$1 Billion Deal on Diesel Cheating

Volkswagen AG won a U.S. judge's preliminary sign-off on its \$1 billion settlement with about 78,000 drivers of premium diesel

Audis, VWs and Porsches over the carmaker's emissions-cheating scandal....

Asbestos

Asbestos Trust Disclosure Bill Heads to House Floor

Asbestos compensation trusts would have to disclose information about claimants if a bill approved Feb. 15 by the House Judiciary Committee becomes law. ...

Emissions Trading

EU Lawmakers Back Moves to Tighten Emissions Trading System

The European Union's Emissions Trading System would be tightened after 2020 to reduce a huge surplus of carbon permits that have suppressed EU carbon prices, under a reform European Parliament lawmakers provisionally approved Feb....

Endangered Species

Senators Proceed With Caution on Amending Wildlife Protections

No consensus for amending the Endangered Species Act emerged after witnesses at a Senate hearing Feb. 15 urged caution in updating the law, reflecting an awareness of how difficult it is to approach the subject. ...

Energy

BP Contractor Loses Defamation Claim Against Bloggers

A BP consultant hired to assess the effects of the Deepwater Horizon oil spill can't proceed with a defamation suit against a pair of environmental advocates, the Massachusetts high court ruled (*Cardno ChemRisk, LLC v. Foytlin*, 2017...)

Energy

China Said to Mull Resuming Coal Output Curbs for Six Months

China, the world's biggest producer and consumer of coal, is considering reinstating output restrictions to avoid the return of a glut after easing limits during winter. Shares in the country's coal miners jumped along with...

Energy

Entergy Shops More Nuclear Power Plants That It Plans to Close

Entergy Corp. wants to sell more of its nuclear power plants that are scheduled to close and leave the job of dismantling the reactors to someone else....

Energy

House GOP to Consider Energy Loan Changes After Perry Approval

An age-old debate over the merits of federal intervention in the marketplace took center stage in a Feb. 15 hearing on the future of the Energy Department's program to issue loans for energy innovation. ...

EPA

EPA Girds for Pruitt Arrival as Democrats Continue to Fight

Scott Pruitt may take the reins of the Environmental Protection Agency Feb. 17, the agency's acting administrator Catherine McCabe told colleagues in a video posted publicly. ...

Fuel Efficiency

Carmakers' Plea for Fuel Economy Review Sets Stage for Showdown

Automakers enjoying lucrative sales of trucks and sport utility vehicles are hoping President Donald Trump makes good on his vows to deregulate. Environmental groups are saying fuel efficiency standards won't be watered down without...

International Climate

Germany Prepares for Climate Clash With Tillerson at G-20 Talks

Germany fixed climate change as a key topic for foreign ministers from the Group of 20 nations meeting Feb. 16, according to an official in Berlin, setting up for a clash with President Donald Trump's lead Cabinet officer on the issue....

Mergers and Acquisitions

Bayer, Syngenta Clash With EU Over Bees Amid M&A Charm Offensive

Bayer AG and Syngenta AG, two of the agrichemical giants trying to win the European Commission's blessing for deals reshaping the global industry, clashed with the EU over bans on insecticides that regulators blame for killing honeybees....

Mining

Alaska Mine Deemed 'Worthless' in Investment Report

The proposed Alaska Pebble Mine is being barraged by an investment report concluding that the project is economically "worthless."...

Oil & Gas

Alberta Suspends Major Oil, Gas Producer Lexin Resources

Alberta suspended all production Feb. 15 by oil and gas producer Lexin Resources Ltd. from its 1,600 sites across the Canadian province because of failure to comply with environmental regulations....

Oil & Gas

What Oil Crisis? Arctic Drilling Off Norway Set for Record

Explorers look set to drill a record number of wells in Norway's Arctic waters this year, undeterred by oil prices apparently stuck below \$60 a barrel....

PCBs

Setback for Monsanto in PCB River Pollution Case

Monsanto may not proceed with a cost recovery countersuit against Spokane, Wash., in litigation over PCB contamination in the Spokane River, the Eastern District of Washington ruled Feb. 14 (City of Spokane v. Monsanto Co., 2017 BL 44392,...

Pesticides

Canada to Ban Imports of Pesticides Ordered Online

Canada plans to ban imports of pesticides ordered online as part of a crackdown on individuals procuring pesticides that are not officially registered for use in the country....

Pesticides

EU Proposes to Break Deadlocks on Pesticides, GMO Issues

The European Commission hopes to break deadlocks around high-profile issues like the use of the popular herbicide glyphosate, and authorizations of genetically engineered crops by revising the European Union's process for approving...

Renewable Energy

Sinopec to Create 20 Geothermal Cities by 2020, China Daily Says

China Petrochemical Corp. is coming up with a plan to create 20 smog-free cities in four years by replacing coal with geothermal energy to generate heat, China Daily reported....

Renewable Energy

U.S. Solar Surged 95% to Become Largest Source of New Energy

Solar developers installed a record 14.6 gigawatts in the U.S. last year, almost double the total from 2015 and enough to make photovoltaic panels the largest source of new electric capacity for the first time....

Superfund

Contaminated Federal Sites Cost \$447B in Liability, Watchdog Says

The government's own contaminated sites will need help from agencies and Congress to get cleaned up, a watchdog said Feb. 15....

Toxic Substances

EU Finalizes Flame Retardant Prohibition

The widely used brominated flame retardant decabromodiphenyl ether (decaBDE) would be largely prohibited in the European Union after March 2, 2019, under a regulation published in the bloc's Official Journal....

Trade

India Seeks WTO Inquiry Into U.S. Renewables Sector

Next week India will ask the World Trade Organization to investigate a series of U.S. subsidies and requirements in the renewable energy sector that New Delhi said violates international trade rules. ...

SPECIAL REPORT

Air Pollution

Pruitt Could Alter Air Science Advisory Panel Direction at EPA

A panel of science advisers whose recommendations underpin some of the EPA's most contentious air pollution regulations is likely to see some changes under the Trump administration, including the possible appointment of scientists...

REGULATORY AGENDA

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Daily Environment Report

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From: Bloomberg BNA <bloomberg@bna.com>
Sent: Monday, March 13, 2017 9:03 PM
To: Duffy, Rick
Subject: March 14 -- Daily Environment Report

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Daily Environment Report

March 14, 2017 - Number 48

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Leading the News

Sustainability

Industry Scrambles to Save Green Labels From Chopping Block

The federal green stamp of approval for nontoxic household products could be squeezed as the EPA trims its budget, and supporters of the programs are fighting to keep it alive.

News

Chemical Testing

Chemical Makers Back Idea of Research Center to Predict Toxicity

A research center to develop and validate tests that predict harmful effects of chemicals and pesticides better than animal tests could benefit chemical manufacturers and regulators, industry scientists say.

Chemicals

Monsanto Loses Bid to Keep Glyphosate Off List of Carcinogens

Monsanto Co. lost a court bid to keep a key chemical in its Roundup herbicide off California's public list of cancer-causing chemicals.

Climate Change

Tillerson Used 'Alias' Email for Climate Messages, N.Y. Says

Secretary of State Rex Tillerson used an "alias" email address under a pseudonym to discuss risks related to climate change while he was chief executive officer of Exxon Mobil Corp., New York Attorney General Eric Schneiderman told a judge.

Climate Regulation

Methane Cuts Coming to California Despite Federal Rollback

California's oil and gas facilities and storage sites would have to tighten up their operations to meet tough requirements proposed to control methane emissions even as federal rules are expected to be rolled back.

Drinking Water

Water Systems Facing Unique Cyberthreats

Water utilities face unique cybersecurity threats and federal officials who work on both environmental protection and law enforcement are urging the utilities to assess their vulnerabilities in this area.

Endangered Species

Canada Plans New Protections for Eight Migratory Bird Species

Canada proposed new protections for eight migratory birds, including barn swallows and bobolinks, which could potentially limit some industrial activity.

Insurance

Insurer off the Hook for Pool Heater Carbon Monoxide

Colony Insurance Co. owes no coverage for injuries from a carbon monoxide leak, the District of Oregon ruled March 9 (*Colony Ins. Co. v. Victory Constr. LLC*, 2017 BL 75803, D. Or., 16-cv-00457, 3/9/17).

Maritime Affairs

Fear of Arctic Oil Spill Top of Mind for Shipping Officials

Despite a newly installed international code governing Arctic shipping, countries operating in the polar region must do more to prevent and prepare for the environmental implications of heavy fuel oil spills, said the head of the International Maritime Organization.

Oil & Gas

Dakota Oil Pipeline Delay Sought Amid Tribe's 11th Hour Appeal

The Dakota Access oil pipeline faces another legal hurdle as a Native American tribe seeks to put the Energy Transfer Partners LP-led project on hold while it pursues a last-ditch appeal in court.

REACH

EU Chemicals Agency Asks for Comments on Plastics Chemical

The European Chemicals Agency is calling for input through April 24 on a proposal to formally designate the widely used substance bisphenol A as an endocrine disruptor, a label that could make it harder for its continued use in the European Union.

Toxic Substances

EU Committee Seeks Comments on Cosmetic Substances

The European Union's Scientific Committee on Consumer Safety called for comments on four draft opinions on substances used in cosmetic products.

Vehicle Fuels

Trump to Visit Detroit Automakers Seeking Fuel-Economy Rollback

President Donald Trump is set to meet with automakers in Detroit on March 15, as his administration prepares to reexamine Obama-era vehicle-efficiency standards carmakers have sought to relax.

Water Pollution

Another Coal Ash Lawsuit Is Heading Duke Energy's Way

Duke Energy is illegally polluting a lake with coal ash waste from its Roxboro, N.C., facility, an environmental group said, announcing its intent to sue.

Water Pollution

Canada Proposes Designating Textile Dye Toxic, Monitoring 73 Others

Canada is proposing designating as toxic the textile dye Disperse Yellow 3, which the

government says poses a risk to aquatic organisms from its release into wastewater.< /span>

Water Resources

Brazil Begins Diverting River Water to Two Eastern States

A decade after construction began on the country's biggest infrastructure project, Brazil has begun diverting millions of gallons of water from the Sao Francisco River to the semi-arid, drought-plagued northeastern region.

Regulatory Agenda

TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory Alert™
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Daily Environment Report for EPA

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NEWS

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From: Environmental Law360 <news-q@law360.com>
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To: Duffy, Rick
Subject: Dakota Access Says Tribe Is Too Late To Halt 'Black Snake' [WARNING: DKIM validation failed]



Tuesday, March 14, 2017

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TOP NEWS

Dakota Access Says Tribe Is Too Late To Halt 'Black Snake'

Dakota Access LLC urged a D.C. district judge Monday to reject the Cheyenne River Sioux Tribe's bid to halt construction on the company's pipeline, claiming the tribe waited far too long to raise its claims that the oil pipeline threatens the religious purity of a North Dakota lake.

Exxon Used Fake Name On Tillerson Climate Emails: NY AG

New York Attorney General Eric Schneiderman on Monday accused ExxonMobil of hiding communications sent from ex-CEO Rex Tillerson with the email alias "Wayne Tracker," uncovered as part of its ongoing probe into the oil and gas giant's climate change knowledge.

San Onofre Owners Net \$125M In Nuke Plant Shutdown Row

Southern California Edison Co. and others were awarded \$125 million on Monday by an International Chamber of Commerce arbitration panel against Mitsubishi Heavy Industries for supplying allegedly defective steam generators for the now-closed San Onofre Nuclear Generating Station.

Groups Tell Court EPA Failed To Fulfill Civil Rights Obligations

The Sierra Club and other citizen groups led by Earthjustice and Yale Law School's Environmental Justice Clinic asked a California federal court on Monday for a quick win in a civil rights lawsuit against the Environmental Protection Agency, claiming that the EPA has for decades "shamelessly" ignored racial discrimination complaints from communities located near projects that they say harmed the environment.

Monsanto Can't Keep Glyphosate Off Calif. Cancer List: Court

A California state judge on Friday tossed Monsanto Co.'s lawsuit alleging a state agency has no authority to list the herbicide glyphosate, a key ingredient in the company's Roundup product, on a list of cancer-causing chemicals.

POLICY & REGULATION

Wildfires Prompt Govs. To Seek Grazing Restrictions Pause

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Arent Fox
Arnold & Porter Kaye Scholer
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Faegre Baker
Fredericks Peebles
Gibson Dunn
Gomez Trial Attorneys
Graham & Dunn
Herbert Smith Freehills
Hilliard Munoz
Hoblit Darling
Hunton & Williams
Jackson Lewis
Jones Walker
Kahn Soares
Kasdan LippSmith
Kellogg Hansen

The Republican governors of Texas, Kansas, New Mexico and Oklahoma on Friday asked the U.S. Department of Agriculture for an emergency pause to the Conservation Reserve Program's grazing restrictions in their states, saying the ongoing wildfires that burned more than 1.5 million acres in the past week have led to grazing shortages.

Trump Orders Review Of Fed. Programs In Bid To Shrink Gov't

President Donald Trump signed an executive order Monday requiring a program-by-program examination of every federal agency, taking another step in his push to reorganize and downsize the federal government.

McCain Asks EPA OIG For Info On Gold King Criminal Probe

Sen. John McCain on Monday asked the U.S. Environmental Protection Agency Office of the Inspector General to turn over information related to whether the EPA and Justice Department should pursue criminal charges against EPA employees involved in the Gold King Mine spill disaster.

Okla. House Approves Ending Wind Tax Credit In July

Oklahoma's House passed a controversial bill that eliminates tax credits for electricity generated by zero-emission facilities, such as wind turbines, four years earlier than expected.

LITIGATION

9th Circ. Should Say If Kids' Climate Suit Is OK: Industry

Industry groups on Friday asked an Oregon federal judge to certify her order and allow the Ninth Circuit to determine whether a lawsuit accusing the federal government of failing to protect future generations from the threat of climate change is barred by the political question doctrine, which forbids claims that are a matter of politics and not law.

DC Circ. Pauses EPA 2017 Biofuel Standards Challenge

The D.C. Circuit on Friday put on hold the American Petroleum Institute's challenge to the Environmental Protection Agency's 2017 renewable fuel volume requirements, saying the panel will first rule on another challenge to the agency's 2016 biofuel standards.

FEMA Housing Contractors Get Katrina FCA Suit Tossed

A Fifth Circuit panel on Friday refused to revive two would-be whistleblowers' False Claims Act lawsuit accusing Federal Emergency Management Agency contractors of bilking the government on temporary housing contracts after Hurricane Katrina, finding nothing "null" about underlying subcontracts or bills submitted for them in an unpublished opinion.

Valero Gets Corpus Christi Water Litigation Moved To MDL

The Texas Multidistrict Litigation Panel on Friday ordered cases against Valero Energy Corp. alleging potential contamination of drinking water in Corpus Christi, Texas, be consolidated for pretrial proceedings.

Washington Says Monsanto PCB Suit Belongs In State Court

Washington state on Friday asked a federal judge to remand its lawsuit against Monsanto over the alleged contamination of waterways with polychlorinated biphenyls.

Enviros Seek Quick Win In Suit Over FWS' Bison Range Plans

King & Spalding
Latham & Watkins
Leech Tishman
Miller Nash
MoloLamken LLP
Morgan Lewis
Morvillo Abramowitz
Norton Rose Fulbright
Nossaman LLP
Paul Weiss
Ross Feller
Schwabe Williamson
Seward & Kissel
Shearman & Sterling
Sidley Austin
Slaughter and May
Spiegel & McDiarmid
Susman Godfrey
Tycko & Zavareei
Van Ness Feldman
Vinson & Elkins
Watts Guerra
Weil Gotshal
White & Case
Wigington Rumley

COMPANIES

American Federation of Labor and Congress of Industrial Organizations
American Petroleum Institute Inc.
Ameriprise Financial, Inc.
Bank of America Corporation
CH2M Hill
Consilio LLC
Cummins Inc.
Energy Transfer Partners, L.P.
Facebook
Fannie Mae
Freddie Mac
Goldman Sachs Group Inc.
Hearst Corp.
Kinder Morgan
King Pharmaceuticals Inc.
Kinross Gold Corporation
Litigation Counsel of America
Microsoft Corporation

The Public Employees for Environmental Responsibility and nine retired National Wildlife Refuge System employees moved for a quick win Friday in their suit over the management of the National Bison Range, control over which the U.S. Fish and Wildlife Service is considering transferring to the Confederated Salish and Kootenai Tribes.

Kinder Morgan Unit Says Nashville Playing Games With Permit

The government of Nashville, Tennessee, can't now claim that a Kinder Morgan unit hasn't adequately analyzed emissions controls in order to receive air permits for a portion of a \$400 million natural gas pipeline upgrade project after never telling the company its application filed over two years ago was incomplete, the D.C. Circuit heard.

Pa. Justices Urged To Preserve Fracking Rule Injunction

An energy industry group urged Pennsylvania's highest court on Friday to uphold a preliminary injunction it won barring state environmental regulators from beginning to enforce controversial new regulations governing surface activities near gas drilling sites.

Feds Get Tribes' Claims Trimmed In Calif. Highway Project Suit

A federal judge trimmed two Native American tribes' claims against the federal government on Friday in a suit they brought to challenge a highway project in Northern California out of concern for cultural sites and sensitive wetlands.

Clean Energy Financier Hit By 'Deceptive Loan' Class Action

Ygrene Energy Fund Inc., which provides homeowners with financing for clean energy projects, pushed risky loans with undisclosed fees and deceived consumers about government support for the transactions, a proposed class action has alleged in California federal court.

Investors Press Case In \$97M Costa Rican Real Estate Row

U.S. investors who claim that Costa Rica owes them \$97 million for shutting down their beachfront villa project have questioned why the Central American nation failed to produce any witnesses from the country's environmental authority, telling a World Bank tribunal that this "gaping hole" in the record speaks volumes.

EXPERT ANALYSIS

Settlement Strategy: What Does The Client Really Want?

The best outside counsel think like the client. That includes understanding the client's perspectives and goals with regard to reaching a settlement — because "good results" mean different things for different clients. Outside counsel must ask themselves the right questions, and know the answers, to shape a client-focused settlement strategy, say Kate Jackson of Cummins Inc. and Patrick Reilly of Faegre Baker Daniels LLP.

LEGAL INDUSTRY

Legal Tech Download: Dentons' RegTech, LawGeex Funders

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

Analysis

Will SDNY's Independent Streak Falter Without Bharara?

Mitsubishi Heavy Industries

Monsanto Company

National Association of Manufacturers

National Corn Growers Association

New York Times Co.

New York University

Pfizer Inc.

PricewaterhouseCoopers

Redflex Traffic Systems

San Diego Gas & Electric Co.

Sierra Club

Solutia Inc.

Southern California Edison

Thomson Reuters Corporation

United Steelworkers

Valero Energy Corp.

GOVERNMENT AGENCIES

Army Corps of Engineers

California Department of Transportation

California Environmental Protection Agency

Cheyenne River Sioux Tribe

Confederated Salish & Kootenai Tribes

Coyote Valley Band of Pomo Indians

European Securities and Markets Authority

Executive Office of the President

Farm Service Agency

Federal Communications Commission

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Highway Administration

Federal Housing Finance Agency

Federal Trade Commission

Fish and Wildlife Service

International Chamber of Commerce

Michigan Department of Environmental Quality

Navajo Nation

As Manhattan's top prosecutor, Preet Bharara chased Wall Street traders, Albany legislators and even small-town narcotics gangs, upholding the headstrong tradition of the district's U.S. Attorney's Office. Now, some former prosecutors say the circumstances of his exit raise questions about whether a successor will maintain the independent culture of the elite office.

Dentons Lays Off 60 In The US In Consolidation Push

Global legal giant Dentons has laid off 60 support staff members in 22 offices across the U.S., the firm confirmed on Monday, as it continues to examine its business model more than a year after sealing its merger with McKenna Long & Aldridge LLP.

Chicago US Atty Resigns, Urges Feds To Continue Gun Work

U.S. Attorney for the Northern District of Illinois Zachary T. Fardon resigned Monday following an order from Attorney General Jeff Sessions, and used his exit to call on the U.S. Department of Justice to continue his office's focus on gun violence.

Pa. Sens. To Keep Cooperating On Federal Bench Nominees

Pennsylvania's two U.S. senators said Friday they would continue their bipartisan process for identifying federal judicial nominees, even as they have apparently diverged with regard to U.S. Supreme Court nominee Judge Neil Gorsuch.

Gorsuch Was Billing Juggernaut At DC Firm, Says Colleague

As a partner at a prominent D.C. corporate law firm, U.S. Supreme Court nominee Neil Gorsuch hit between 2,400 and 3,000 billable hours per year, according to a former colleague, who described Gorsuch as a "constitutionally hard-worker" when recounting the appellate judge's time in private practice at Kellogg Hansen Todd Evans & Figel PLLC.

Dewey Witness Says CFO Was In On Accounting Fraud

The former head of finance at Dewey & LeBoeuf LLP told a Manhattan jury Monday that he discussed false accounting practices being used to prop up the firm with Chief Financial Officer Joel Sanders, who signed off on bogus documentation shown to auditors.

Ex-Hunton Atty's Tip Not Enough To Trade On, Jury Told

Attorneys for a former Hunton & Williams LLP patent litigator accused of passing on inside information about Pfizer's plans to acquire his client told a jury Monday that the tip was really an ambiguous statement that wasn't enough to trade on.

Jackson Lewis Joins Firms Offering Remote Work Option

Jackson Lewis PC will give associates and of counsel the option to work remotely in an effort to promote workplace flexibility, the firm announced Monday, joining the growing number of U.S. and U.K. firms offering out-of-office work opportunities.

Plaintiffs Bar Perspective: Susman Godfrey's Mark Wawro

For both sides, the most compelling case will be one that tells a good story. It's just harder for the defendant to set the stage for the story, says Mark Wawro of Susman Godfrey LLP.

New York Attorney General's Office

Pennsylvania Supreme Court

Round Valley Indian Tribes

Securities and Exchange Commission

Southern Ute Indian Tribe

Standing Rock Sioux Tribe

U.S. Army

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Justice

U.S. Department of Transportation

U.S. Environmental Protection Agency

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Subject: March 16 -- Daily Environment Report



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March 16, 2017 - Number 50

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Leading the News

Climate Regulation

Trump Demands Automaker Jobs After Fuel Economy Rollback

President Donald Trump is laying out an explicit quid pro quo for automakers: He'll cut them a break on environmental standards and wants more hiring in return.

Motor Vehicles

Does Golden State Hold Trump Card on Auto Emissions?

The state of California may have the power to thwart the Trump administration's attempts to roll back auto industry rules on greenhouse gas emissions from cars and trucks, according to environmental attorneys.

News

Air Pollution

China to Establish Air Pollution Research Fund

China will establish a special fund to direct scientific research toward fighting air pollution.

Air Pollution

Missing California Ozone Plans Prompt Litigation Threat

Missing plans detailing strategies to reduce ozone pollution in California prompted a litigation threat from environmental advocates, who want the EPA to take action against the state for not meeting a Clean Air Act deadline.

Asbestos

Asbestos Admiralty Suit Tossed, Laborer's Work Land-Based

A federal court doesn't have admiralty jurisdiction over claims that a stevedore developed mesothelioma from workplace asbestos exposure, the Middle District of Louisiana said March 13 (Signal Mut. Indem. Ass'n v. Asbestos Corp., 2017 BL 77831, M.D. La., 15-00633, 3/13/17).

Climate Change

Tillerson May Face Deposition About 'Wayne Tracker' Emails

New York will seek to question top Exxon Mobil Corp. executives under oath as part of a probe into the accuracy of the company's statements about climate change after discovering an email alias used by former Chief Executive Officer Rex Tillerson.

Climate Policy

Cutting Climate Spending Made Harder by Obama's Budget Tactics

President Donald Trump will find the job of reining in spending on climate initiatives made harder by an Obama-era policy of dispersing billions of dollars in programs across dozens of agencies - in part so they couldn't easily be cut.

Climate Science

House Republicans Seek 'Economical ly Viable' Climate Solutions

Nearly 20 House Republicans introduced a resolution that would commit Congress to finding "economically viable" solutions to climate change risks.

Coal Mining

Trump's Infrastructure Plans Could Trigger Coal Hike

President Donald Trump's pledge to use American-made steel in his \$1 trillion infrastructure plan could boost coal mining activity by 5 percent, industry watchers predict.

EPA

All EPA Regional, Program Action Must Seek Pruitt Review: Memo

EPA Administrator Scott Pruitt is reserving approval authority for all agency actions typically overseen by regions and program offices through the beginning of April, according to a memo obtained by Bloomberg BNA.

Energy

Gas Export Giant Scrambles to Find Enough Supply for Itself

One of the world's biggest natural gas exporters is struggling to find enough of the fuel to meet its own demand.

Energy

NuScale's Small Nuclear Reactor Passes First Regulatory Hurdle

The first-of-a-kind small modular nuclear reactor from NuScale Power LLC has cleared the first hurdle at the Nuclear Regulatory Commission and entered the technical review stage.

Energy

Regulatory Burden Discourages Hydropower Investment: Industry

The prospects for future hydropower investment and large-scale projects are bleak barring regulatory changes to scale back license approval times, hydropower business representatives told House lawmakers March 15.

Energy

Trump's Coal Promise Faces a Test From 'Monstrous' Wind Farms

President Donald Trump, a fossil fuel champion who once called an offshore wind farm near one of his golf courses "monstrous," may have little chance of preventing the renewable fuel from displacing some U.S. coal plants, Moody's Investors Service said.

General Policy

European Investment Bank Issues 500 Million Euros of Green Bonds

The European Investment Bank issued 500 million euros (\$531 million) of its green bonds, doubling amount of environmental securities with a 20-year maturity it has outstanding to 1 billion euros.

Great Lakes

Brace for Battle to Restore Great Lakes Funding, Stabenow Says

Hope for the best, but expect the worst is the approach Michigan's senior senator is taking in anticipation of President Donald Trump's budget proposal, to be released March 16, which is rumored to have severe cuts to a Great Lakes restoration program.

Hydraulic Fracturing

Trump Administration to Rescind Obama's BL M Rule on Fracking

The Trump administration said in a legal filing March 15 that it would begin rescinding an Obama-era rule setting standards for hydraulic fracturing on public lands.

International Climate

Canada Minister to Push Pruitt on Climate, Clean Energy Policies

Canada's environment minister will press the new EPA head March 16 to find ways to support the U.S. clean energy sector amid early signs the Trump administration may be more inclined to roll back climate policies to spur coal and other fossil fuel development.

Motor Vehicles

Renault Insists Its Cars Don't Cheat as Emissions Doubts Linger

Renault SA insisted its cars meet emissions rules after French newspaper Liberation reported that the country's economic-fraud watchdog found the vehicle maker had misled customers about how much its models pollute.

Oil & Gas

BP Beats Oil Fraud Case Worth Billions

BP Exploration and Production Inc. defeated a \$256 billion lawsuit claiming that it defrauded the government by not satisfying regulations for an oil production facility constructed in the Gulf of Mexico, the U.S. Court of Appeals for the Fifth Circuit said (Abbott v. BP Exploration and Prod. Inc., 5th Cir., No. 16-20028, 3/14/17).

Pesticides

EPA Scientist Sided With Monsanto on Pesticide's Safety: Emails

An EPA scientist allegedly bragged that he could "kill" indications that Monsanto Co.'s widely-used Roundup weedkiller is linked to cancer, according to recently filed court documents (In re Roundup Products Liability Litigation, N.D. Cal., 3/14/17).

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EPA-Monsanto Collusion Reports Shock Former Agency Officials

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Trump Demands Automaker Jobs After Fuel Economy Rollback

President Donald Trump is laying out an explicit quid pro quo for automakers: He'll cut them a break on environmental standards and wants more hiring in return....

Motor Vehicles

Does Golden State Hold Trump Card on Auto Emissions?

The state of California may have the power to thwart the Trump administration's attempts to roll back auto industry rules on greenhouse gas emissions from cars and trucks, according to environmental attorneys....

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China to Establish Air Pollution Research Fund

China will establish a special fund to direct scientific research toward fighting air pollution....

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Missing California Ozone Plans Prompt Litigation Threat

Missing plans detailing strategies to reduce ozone pollution in California prompted a litigation threat from environmental

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advocates, who want the EPA to take action against the state for not meeting a Clean Air Act deadline....

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Asbestos Admiralty Suit Tossed, Laborer's Work Land-Based

A federal court doesn't have admiralty jurisdiction over claims that a stevedore developed mesothelioma from workplace asbestos exposure, the Middle District of Louisiana said March 13 (Signal Mut. Indem. Ass'n v. Asbestos...

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Tillerson May Face Deposition About 'Wayne Tracker' Emails

New York will seek to question top Exxon Mobil Corp. executives under oath as part of a probe into the accuracy of the company's statements about climate change after discovering an email alias used by former Chief Executive Officer Rex...

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Cutting Climate Spending Made Harder by Obama's Budget Tactics

President Donald Trump will find the job of reining in spending on climate initiatives made harder by an Obama-era policy of dispersing billions of dollars in programs across dozens of agencies -- in part so they couldn't easily be cut....

Climate Science

House Republicans Seek 'Economically Viable' Climate Solutions

Nearly 20 House Republicans introduced a resolution that would commit Congress to finding "economically viable" solutions to climate change risks....

Coal Mining

Trump's Infrastructure Plans Could Trigger Coal Hike

President Donald Trump's pledge to use American-made steel in his \$1 trillion infrastructure plan could boost coal mining activity by 5 percent, industry watchers predict....

Energy

Gas Export Giant Scrambles to Find Enough Supply for Itself

One of the world's biggest natural gas exporters is struggling to find enough of the fuel to meet its own demand....

Energy

NuScale's Small Nuclear Reactor Passes First Regulatory Hurdle

The first-of-a-kind small modular nuclear reactor from NuScale Power LLC has cleared the first hurdle at the Nuclear Regulatory Commission and entered the technical review stage. ...

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Regulatory Burden Discourages Hydropower Investment: Industry

The prospects for future hydropower investment and large-scale projects are bleak barring regulatory changes to scale back license approval times, hydropower business representatives told House lawmakers March 15. ...

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Trump's Coal Promise Faces a Test From 'Monstrous' Wind Farms

President Donald Trump, a fossil fuel champion who once called an offshore wind farm near one of his golf courses "monstrous," may have little chance of preventing the renewable fuel from displacing some U.S. coal plants, Moody's...

EPA

All EPA Regional, Program Action Must Seek Pruitt Review: Memo

EPA Administrator Scott Pruitt is reserving approval authority for all agency actions typically overseen by regions and program offices through the beginning of April, according to a memo obtained by Bloomberg BNA. ...

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European Investment Bank Issues 500 Million Euros of Green Bonds

The European Investment Bank issued 500 million euros (\$531 million) of its green bonds, doubling amount of environmental securities with a 20-year maturity it has outstanding to 1 billion euros....

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Brace for Battle to Restore Great Lakes Funding, Stabenow Says

Hope for the best, but expect the worst is the approach Michigan's senior senator is taking in anticipation of President Donald Trump's budget proposal, to be released March 16, which is rumored to have severe cuts to a Great Lakes...

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Trump Administration to Rescind Obama's BLM Rule on Fracking

The Trump administration said in a legal filing March 15 that it would begin rescinding an Obama-era rule setting standards for hydraulic fracturing on public lands. ...

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Canada Minister to Push Pruitt on Climate, Clean Energy Policies

Canada's environment minister will press the new EPA head March 16 to find ways to support the U.S. clean energy sector amid early signs the Trump administration may be more inclined to roll back climate policies to spur coal and other...

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Renault Insists Its Cars Don't Cheat as Emissions Doubts Linger

Renault SA insisted its cars meet emissions rules after French newspaper Liberation reported that the country's economic-fraud watchdog found the vehicle maker had misled customers about how much its models pollute....

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BP Beats Oil Fraud Case Worth Billions

BP Exploration and Production Inc. defeated a \$256 billion lawsuit claiming that it defrauded the government by not satisfying regulations for an oil production facility constructed in the Gulf of Mexico, the U.S. Court of Appeals for the...

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Daily Environment Report

March 20, 2017 - Number 52

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Cape Town, the crown jewel of South Africa's tourism industry, has 100 days before it runs out of water....

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TODAY'S FEDERAL REGISTER

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Daily Environment Report

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From: Bloomberg BNA <bloomberg@bna.com>
Sent: Thursday, March 30, 2017 9:53 PM
To: Duffy, Rick
Subject: March 31 -- Daily Environment Report

**Bloomberg
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Daily Environment Report

March 31, 2017 - Number 61

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Leading the News

Climate Regulation

Power Plant Arguments Canceled as Trump EPA Seeks Lawsuit Pause

A federal appellate court canceled upcoming arguments over the EPA's carbon dioxide limits for power plants after the Trump administration announced plans to review and possibly pull back the regulation (North Dakota v. EPA, D.C. Cir., No. 15-1381, 3/30/17).

News

< i>Chemicals

Indiana Toxic Plume Cases Combined, Stay Federal

Two suits to clean up overlapping toxic plumes from a United Technologies plant and a gas station will be consolidated and litigated in federal court, the U.S. District Court for the Northern District of Indiana ruled March 28 (Millman v. United Techs. Corp., 2017 BL 100379, N.D. Ind., No. 16-cv-00312, 3/28/17 and Powell v. United Techs. Corp., N.D. Ind., No. 17-cv-00028, 3/28/17).

Chemicals

Lobbying Opportunities Grow as Senate Forms Chemistry Caucus

Chemical manufacturers with views on ways federal education, regulatory, science or other policies may affect their industries have more members of Congress to lobby with the formation of the Senate's Chemistry Caucus.

Climate Change

Indian Carbon Conversion Startup Teams With French Company

Clean Carbon Solutions Ltd., an Indian startup with technology that converts captured

a year earlier after an increasing numbers of trade disputes dragged on the industry.

Science Policy

House Bill on EPA Science Board Heads to the Senate

A House-passed bill that would change the makeup of a board that offers scientific advice to the EPA may face better odds in the Senate than a previous version last session.

Superfund

EPA, Colorado Town Draft Plan for \$1.4 Million Superfund Cleanup

The EPA and city of Central, Colo., have drafted a plan to further inspect a Superfund site contaminated by lead and arsenic.

Taxes

California Leaders Plan Tax Hikes to Fix Roads

California's Democratic leaders want to fix roads and bridges with higher gasoline taxes and a new fee on electric vehicles that would raise \$5 billion a year.

Water Resources

Brazil Renews Five-Year Water Management Program for \$43 Million

Brazil's National Water Agency (ANA) will provide all 27 states with an additional 135 million reais (\$43.3 million) in funding to continue participating in National Water Management Consolidation Program (Progestao) for another five years.

Special Report

Natural Resources

Louisiana Race to Save Coast Hits Federal Speed Bumps

Louisiana has been losing the battle to keep up with the growing rate of coastal erosion. The centerpiece of its efforts to speed up restoration got a boost from the outgoing Obama administration, but the state recently learned it still will take at least another five years of permit reviews before construction can begin.

Regulatory Agenda

TODAY'S FEDERAL REGISTER

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Daily Environment Report for EPA

From: Bloomberg BNA <bloomberg@bna.com>
Sent: Wednesday, May 17, 2017 8:35 PM
To: Duffy, Rick
Subject: [SPAM] May 18 -- Daily Environment Report

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Daily Environment Report

May 18, 2017 - Number 95

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Leading the News

Chemicals

Rate of EPA Chemical Regulation Ramps Up Since Toxics Law Update

The Environmental Protection Agency has been regulating more new chemicals since the Toxic Substances Control Act was overhauled than it did before, according to a snapshot of its work over the past 11 months.

News

Air Pollution

No Matter What Trump Does, Big Cities Pressing for Cleaner Cars

The auto industry can't count on a rollback of environmental standards by U.S. President Donald Trump to escape increasing worldwide pressure to make vehicles cleaner.

Air Pollution

U.S. Said to Ready Lawsuit Over Fiat Chrysler Diesel Emissions

The Justice Department is preparing to sue Fiat Chrysler Automobiles NV if talks fail to resolve differences over the automaker's alleged violations of U.S. clean-air rules with its diesel vehicles, according to two people briefed on the matter.

Biotechnology

EU Lawmakers Object to Genetically Modified Imports

European Parliament lawmakers formally objected May 17 to the authorization in the European Union of products containing a corn and a cotton that have been genetically engineered to resist herbicides.

Climate Change

Poor Countries Demand More Climate Action From Rich

Four dozen poor and developing countries May 17 called on rich nations to release more money to fight and respond to climate change, and said containing global temperature rise to at most 1.5 degrees Celsius (2.7 degrees Fahrenheit) above pre-industrial levels is a "matter of survival" for many nations.

Climate Regulation

New York Targets Methane as EPA Plans to Roll Back Rules

New York will seek new limits on methane emissions in an effort to meet its greenhouse gas targets and fill a void left by an EPA intent on rolling back federal standards for the pollutant.

Coal Mining

Dozens of EPA Staff Scrambling to Meet Coal Analysis Deadline

The EPA has laid out the resources and man-hours it will need to spend to comply with a court order on the effects its regulations have on the coal industry, and it's also asking an appeals court to intervene soon to relieve it from having to comply with this order.

Elections

Climate, Lands Issues in Play for Former Rep. Zinke's Seat

The outcome of the faceoff for Interior Secretary Ryan Zinke's old House seat representing Montana next week won't change the state of play in Washington, but will offer stark options for Montanans when it comes to how they want to be represented on energy and environment policy.

Elections

West Coast Gas Export Terminal Turns Back Ballot Box Challenge

Voters along Oregon's rural south coast got out of the way of a new natural gas export terminal by defeating a ballot measure May 16 intended to kill what would be the first liquefied gas port on the West Coast of the United States.

Emissions Trading

Rise in Renewables Helps Emissions Drop 2.6% in EU

The volume of greenhouse gases emitted by participants in the European Union's emissions trading system (ETS) fell by 2.6 percent in 2016 compared to 2015, the European Commission said.

Energy

America's Cars Are Suddenly Getting Faster and More Efficient

Sometime in the next couple of months, the Dodge Challenger SRT Demon and its 808 horsepower will show up in dealership windows like some kind of tiny, red, tire-melting factory. Yes, 808 horsepower. There's no typo.

Energy

Defense Concerns Hinder Offshore Legislative Efforts

Defense Department concerns are threatening to hinder Republican efforts to insulate the Trump administration's new offshore drilling design from legal challenges.

Energy

Westinghouse Woes Spread to Duke as North Carolina Wants Answers

Add Duke Energy Corp. to the list of U.S. utility owners affected by the bankruptcy of nuclear contractor Westinghouse Electric Co.

Enforcement

Vopak Agrees to Pay \$2.5M to Settle Alleged Clean Air Violations

Vopak Terminal Deer Park and Vopak Logistics Services USA Inc. agreed to pay a \$2.5 million penalty to settle allegations of air pollution in Texas, the EPA announced May 17.

Motor Vehicles

Volkswagen CEO Probed Over Investor-Informing Delay: Prosecutors

Stuttgart prosecutors said they're probing Volkswagen AG Chief Executive Officer Matthias Mueller, chairman Hans Dieter Poetsch and former CEO Martin Winterkorn on allegations they "deliberately" delayed informing Porsche SE investors about the diesel scandal.

Oil & Gas

Anadarko to Disconnect Gas Lines Like Those in Colorado Blast

Anadarko plans to disconnect all underground natural gas supply lines from vertical wells similar to those linked to the explosion of a home in Colorado last month that left two dead.

Pesticides

EU to Consider Reauthorizing Glyphosate Pesticide Through 2027

Glyphosate, the world's most widely used herbicide and a major ingredient in products from Monsanto, BASF Corp., DuPont and others, could be reauthorized in the European Union through 2027, the European Commission said May 17.

Regulatory Policy

Senate Committee Approves Regulatory Overhaul Bills

Multiple bills that would make changes to the regulatory process were approved largely along party lines with little debate by the Senate Homeland Security and Governmental Affairs Committee on May 17.

Renewable Energy

Brazil's Votorantim to Seek Partner to Expand in Wind Power

Votorantim Industrial SA will seek a partner to help the Brazilian conglomerate accelerate its wind-power efforts in the country.

Renewable Energy

Gulf of Suez Wind Farm Seeks to Save Pelicans, Storks With Radar

The Egyptian shores of the Gulf of Suez are becoming increasingly attractive to renewable-energy investors seeking to take advantage of the area's strong, steady winds. That's a growing problem for the millions of pelicans, white storks, raptors and other birds that fly by every year while migrating between Eurasia and East Africa

Renewable Energy

Merkel Cabinet Backs Plan to Pit Wind Against Solar in Auctions

German Chancellor Angela Merkel's Cabinet approved plans for technology-neutral clean power auctions pitting onshore wind and solar developers against each other.

Renewable Energy

Spain Seeks \$4.3 Billion Investment to Meet EU Clean Energy Goal

Spain is seeking to lure investment of as much as 3.9 billion euros (\$4.3 billion) through its biggest auction yet for contracts to supply electricity from clean-energy sources, part of an effort to meet European Union targets.

Vehicle Fuels

Merkel Admits Germany Won't Meet 1 Million Electric-Car Target

German Chancellor Angela Merkel acknowledged that a plan to have 1 million electric cars on the country's roads by 2020 won't work out, even as the automakers that make up the nation's biggest manufacturing sector prepare a slew of emissions-free models.

Water Infrastructure

Congress Offers Infrastructure Plans Ahead of Trump

Members of Congress are proposing multibillion-dollar infrastructure investments ahead of President Donald Trump's plan to modernize the energy grid, bridges, roads and sewers.

Water Pollution

EPA Inaction on Ohio Impaired Waters List Draws Another Suit

Another environmental group is suing the EPA over its failure to act on Ohio's list of impaired

waters, which the nonprofit says knee-caps the state's efforts to reduce pollution in algae-clogged Lake Erie.

Regulatory Agenda

TODAY'S FEDERAL REGISTER

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Daily Environment Report for EPA

Duffy, Rick

From: Environmental Law360 <news-q@law360.com>
Sent: Friday, June 09, 2017 3:23 AM
To: Duffy, Rick
Subject: [SPAM] Wash. Supreme Court Revives Enviros' Open Meetings Case



ENVIRONMENTAL

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Friday, June 9, 2017



TOP NEWS

Wash. Supreme Court Revives Enviros' Open Meetings Case

The Washington Supreme Court ruled Thursday it was "plainly inappropriate" for a lower court to have partially dismissed an environmentalists' suit that argued several of the Port of Vancouver USA's executive sessions on a major rail oil export facility should have been conducted in public. [Read more »](#)

Chimps Can't Secure Habeas Corpus, NY Appeals Court Says

Chimpanzees are not entitled to the same legal rights as people, a New York appellate panel unanimously ruled Thursday, in a decision challenging the denial of habeas corpus to a pair of male chimps requested by an animal rights group seeking to move them into a primate sanctuary. [Read more »](#)

1st Circ. Clears Dam Owners In Atlantic Salmon ESA Case

The First Circuit on Wednesday said it will not revive a case lodged by environmental groups against several power companies and the government in litigation over dams "taking" endangered Atlantic salmon along the Kennebec River in Maine, telling the groups to take their case up with the D.C. Circuit. [Read more »](#)

EPA Probing Alleged Collusion Between Ex-Staffer, Monsanto

The Environmental Protection Agency's inspector general is looking into allegations that an EPA employee colluded with Monsanto to conduct a biased review of the pesticide glyphosate, the agency has said. [Read more »](#)

Firm Says Fee Referral Deal For BP Oil Spill Cases Illegal

A law firm accused of breaking an oral agreement with a financial company told a Florida federal court Wednesday that the company's suit should be thrown out because the alleged agreement, in which the company would receive a 10

LAW FIRMS

Allen & Overy
Anderson Kill
Arnold & Porter Kaye Scholer
Best Best
Bock Hatch
Bush Ross
Butler Weihmuller
Cooley
Cravath Swaine
Dechert
Fisher Phillips
Garrison Yount
Greenberg Traurig
Huber Slack
Jenner & Block
Jones Day
Kelley Drye
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Latham & Watkins
Markowitz Herbold
Montgomery Rennie
Native American Rights Fund
Norman Hanson

percent cut of awards given to Deepwater Horizon clients the company referred, would be illegal. [Read more »](#)

ENFORCEMENT

Climate Activist Convicted Of Burglary Charge In Wash.

A Washington state jury on Wednesday convicted an environmental activist of second-degree burglary after a trial over allegations he shut off an emergency pipeline valve in a climate change-related protest, although the jury deadlocked on a second sabotage charge, according to the Climate Disobedience Center. [Read more »](#)

LITIGATION

JPML Moves Emissions Suit Against Fiat To Calif.

The U.S. Judicial Panel on Multidistrict Litigation has ordered that a U.S. Justice Department suit over Fiat Chrysler's alleged use of defeat devices to cheat on emissions tests be moved from Michigan to California federal court, saying the claims are related to multidistrict litigation taking place there. [Read more »](#)

Calif. Judge Says Tribe's Water Suit Can Go To Next Stage

A California federal judge has allowed a suit from the Agua Caliente Band of Cahuilla Indians over groundwater rights against two water agencies to move forward, lifting a stay on the litigation despite the agencies' appeal of a ruling in the first stage of the case to the U.S. Supreme Court. [Read more »](#)

SunEdison Seeks OK For \$32M D&O Insurance Deal

As part of its Chapter 11 exit plan, SunEdison Inc. asked a New York bankruptcy court Wednesday to approve a settlement that will generate \$32 million for the company's unsecured creditors in exchange for a release of claims against former and current SunEdison executives. [Read more »](#)

Companies Say €128M ICSID Award Should Stay In Euros

Two companies seeking to enforce a more than €128 million arbitral award against Spain in a dispute over renewable energy subsidies urged a New York federal judge Wednesday not to convert the amount into U.S. dollars, saying Second Circuit precedent explicitly allows courts to keep it in euros. [Read more »](#)

Enviro Service Co. Sues NJ Spinoff Over Dropped Debts

National environmental service firm U.S. Ecology Inc. sued the owners of a spun-off subsidiary in Delaware Chancery Court Thursday, claiming breaches of contract and accusing the buyer of failing to cover a range of assumed costs and obligations. [Read more »](#)

EXPERT ANALYSIS

Disposal Of Contamination: Be Careful What You Throw Away

While the Superior Court of New Jersey's decision in Pollitt Drive LLC v. Engel does not establish any precedent, it is in keeping with a line of cases holding, somewhat surprisingly, that plaintiffs must retain the physical evidence from environmental remediations, says Mitchell Klein of Snell & Wilmer LLP. [Read more »](#)

Takeaways From 3 NJ Environmental Insurance Decisions

O'Melveny & Myers

Orrick Herrington

Pepper Hamilton

Potter Anderson

Redwine & Sherrill

Reed Smith

Ropes & Gray

Sidley Austin

Skadden

Snell & Wilmer

Sullivan & Cromwell

Susman Godfrey

Weil Gotshal

Wiley Rein

COMPANIES

3M Company

Advocate Health Care Inc.

Aetna Inc.

Allscripts Healthcare Solutions Inc.

Allstate Corporation

American Bar Association

Ametek Inc.

Apache Corporation

BTI Consulting Group Inc.

Bourgeois Bennett LLC

Brookfield Asset Management Inc.

Center for Biological Diversity Inc.

DISH Network Corporation

Dignity Health

FCA US LLC

General Motors

Givaudan

ITC Holdings Corp.

International Business Machines Corporation

International Centre for Settlement of Investment Disputes

Johnson Controls Inc.

Kinder Morgan

LexisNexis Group

Liberty Media Corp.

Microsoft Corporation

Monsanto Company

New Enterprise Associates

Pitney Bowes Inc.

In 2017, New Jersey has already witnessed three important decisions in the law of insurance coverage for hazardous waste site cleanup, each of which enhances policyholders' ability to obtain coverage for long-tail claims, say Robert Chesler of Anderson Kill PC and Robin Keliher of Willis Towers Watson PC. [Read more »](#)

LEGAL INDUSTRY

Susman Godfrey Sets New High Bar For Associate Pay

Susman Godfrey LLP has shattered the paradigm for associate pay, saying Thursday it was "breaking the market" by offering up to \$125,000 in sign-on bonus money to incoming lawyers in a move the firm says it hopes will attract the best talent. [Read more »](#)

Analysis

How 3M And Sears Are Slashing Their Law Firm Rosters

Across the corporate world, legal departments have been striving to shrink their panel of go-to outside law firms and reduce their legal spend. Here, operations professionals from 3M and Sears explain the steps they've taken to downsize their law firm rosters. [Read more »](#)

3 Ways Attorneys And Law Firms Can Increase Productivity

Attorneys are notorious for working tons of hours and burning the midnight oil, but not all of that time is always productive. Here, Law360 looks at ways to increase productivity and say goodbye to wasted time. [Read more »](#)

Atty Charged With Wife's Murder Tried To Sway Case, Says DA

An Atlanta attorney pled not guilty at an arraignment hearing on Tuesday to the charge of murdering his wife, while also fielding accusations that he was trying to sway witnesses and a judge via telephone calls from jail. [Read more »](#)

Justices' Financial Disclosures Show More Stock Selloffs

Chief Justice John Roberts and Justices Stephen Breyer and Samuel Alito, the only U.S. Supreme Court members that hold stock in individual public companies, continued to sell off those securities last year, according to a watchdog group's analysis Thursday of newly released financial disclosures. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Jenner & Block LLP landed on top of this week's legal lions list for a win at the U.S. Supreme Court limiting SEC disgorgement orders, while King & Spalding LLP and Kirkland & Ellis LLP were dealt a blow when a New York bankruptcy judge cleared the way for millions of product liability claims to proceed against their client, General Motors. [Read more »](#)

Senate Panel OKs Noel Francisco For Solicitor General Post

The Senate Judiciary Committee on Thursday approved two of President Donald Trump's nominees for top spots in his administration: Noel Francisco, who was tapped to be the U.S. solicitor general, and Steven Engel, who was chosen to lead the Office of Legal Counsel. [Read more »](#)

Sidley Litigation Chief Leaves To Run Legal Aid Nonprofit

The Legal Assistance Foundation of Metropolitan Chicago on Thursday announced that a Sidley Austin LLP partner and Chicago litigation chief will be joining the organization as executive director. [Read more »](#)

LexisNexis Picks Up San Francisco Startup Ravel Law

Reed Elsevier
Robertet SA
Skype Technologies SA
Space Exploration Technologies Corp.
Steward Health Care System LLC
SunEdison LLC
TYCO International Ltd.
TerraForm Power Inc.
Tesoro Corporation
The Travelers Companies Inc.
Time Warner Cable
Vivendi SA
Weyerhaeuser Co.
Willis Towers Watson PLC
Zeughauser Group LLC
iHeartMedia Inc.

GOVERNMENT AGENCIES

Agua Caliente Band of Cahuilla Indians
California Environmental Protection Agency
Central Intelligence Agency
Delaware Court of Chancery
Federal Energy Regulatory Commission
National Labor Relations Board
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Securities and Exchange Commission
U.S. Attorney's Office
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Environmental Protection Agency
U.S. Supreme Court
World Health Organization

LexisNexis Legal & Professional has agreed to acquire Ravel Law, a venture-backed legal research and analytics firm that has developed artificial intelligence and machine-learning technologies that enable attorneys to quickly and efficiently mine and glean insight from court documents, the companies said Thursday.
[Read more »](#)

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Los Angeles, California

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Coughlin Duffy LLP
Morristown, New Jersey

Environmental Associate
Stoel Rives LLP
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